

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

MICHAEL D. HARRIS,

Petitioner,

Case Number: 05-CV-74316

v.

HONORABLE AVERN COHN

HUGH WOLFENBURGER,

Respondent.

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**ORDER DENYING PETITIONER'S MOTION FOR DISCOVERY  
AND MOTION FOR ORDER TO SHOW CAUSE**

This is a habeas case under 28 U.S.C. § 2254. Before the Court are Petitioner's Michael D. Harris' (Petitioner) Motion for Discovery and Motion for Order to Show Cause. For the reasons that follow, the motions are DENIED.

**I. Motion for Discovery**

Rule 6, Rules Governing Section 2254 Cases, provides that leave of court is required before a habeas corpus petitioner may conduct discovery. Respondent has not yet filed a response to the petition for a writ of habeas corpus and a response is not due to be filed until May 17, 2006. As such, it is premature for the Court to determine whether the discovery requested by Petitioner is necessary for the just adjudication of his habeas corpus petition. Therefore, the Court will deny Petitioner's Motion for Discovery without prejudice.

**II. Motion for Order to Show Cause**

Petitioner also has filed a Motion for Order to Show Cause in which he asks the Court to direct the Michigan Attorney General to show cause within ninety days why the

writ should not issue and show cause why Petitioner's Motions for Evidentiary Hearing and Appointed Counsel should not be granted.

The Court has issued an Order Requiring Responsive Pleading, which directs Respondent to file an answer responding to the allegations in the petition. The Court also has issued an Order Denying Petitioner's Motion for Appointment of Counsel and Motion for Evidentiary Hearing. Therefore, the Motion for Order to Show Cause must be denied as moot.

**SO ORDERED.**

s/Avern Cohn  
AVERN COHN  
UNITED STATES DISTRICT JUDGE

Dated: April 3, 2006

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, April 3, 2006, by electronic and/or ordinary mail.

s/Julie Owens  
Case Manager  
(313) 234-5160